

## **REMARKS**

Claims 1 and 3-65 are pending in the current application, with all but claim 65 standing finally rejected by the June 15, 2005 Office action. Independent claim 65 is first presented herein. Because the June Office action was a final action, this response is being filed in conjunction with a Request for Continued Examination.

Turning now to the claim rejections, claim 1 stands rejected under 35 U.S.C. § 102(b) as anticipated by La Borde (USPN 3,992,839). Claims 1 and 31 stand rejected under § 102(b) as anticipated by Rekret (USPN 5,718,276). Claims 3-30, 32, 33, and 35-64 stand rejected under 35 U.S.C. § 103(a) as unpatentable over La Borde and, alternatively, these claims stand rejected under § 103(a) as unpatentable over Rekret. Finally, claim 34 stands rejected under 35 U.S.C. § 103(a) as unpatentable over La Borde in view of Zarwell (USPN 5,315,798) and, alternatively, as unpatentable over Rekret in view of Stansberry (USPN 3,178,776). Claim 2 was canceled in a previous amendment. In view of the foregoing amendments and subsequent arguments, the applicant respectfully requests reconsideration and allowance of rejected claims 1 and 3-64, and allowance of newly added claim 65.

### **ANTICIPATION UNDER 35 U.S.C. § 102(b) - LA BORDE**

As noted above, claim 1 stands rejected under 35 U.S.C. § 102(b) as anticipated by La Borde. As amended, independent claim 1 recites a modular sectional door with a first door panel and a second door panel pivotally connected thereto. The first door panel includes first and second sub-panel members comprising a first material and a second material, respectively. Each sub-panel includes a unitary interlocking member that interacts with the interlocking member on the other sub-panel to prevent relative rotation of the two sub-panels. Accordingly, a generally planar first panel (made up of sub-panels of different materials) is formed and is pivotally connected to a second door panel to form (at least in part) the claimed modular sectional door.

The Office action suggests that La Borde discloses the apparatus claimed in unamended claim 1, “including first panel 10, first interlocking member 16, 16a, 16b, 17, 17a, second panel 20, and second interlocking member 21, 21a, 21b, 22, 22a.” Office action of June 15, 2005, page 2, section 2. This assertion was also made in a previous Office action of October 13, 2004. In response to this previous Office action, the applicant argued, *inter alia*, that the panel system disclosed by La Borde is intended for use as a wall structure, a wall structure that does not move

and which is generally not impacted. Further, the applicant noted that because the panel system of La Borde is used for wall structures, the system does not have the weight, strength, or toughness characteristics to function as a door structure, and it would not have occurred to one of ordinary skill in the art to apply a panel system for use in making walls and corners to a door because of the extreme difference in function between the two structures. The current Office action addresses these contentions by suggesting that they are “more specific than the [unamended] claims[,] for the claims of the instant application fail to recite any structure of the claimed panel which would confine its limitation to that of a door.” Office action of June 15, 2005, page 4, section 8.

While the applicant believes that independent claim 1, as originally presented, defined over La Borde, he has nevertheless amended claim 1 to specifically recite that the paneling system is part of a modular sectional door that includes a first door panel pivotally connected to a second door panel. The first door panel is made of first and second sub-panel members. Thus, claim 1 is now more specific than the one previously considered, reciting a modular sectional door with a first door panel pivotally connected to a second door panel. La Borde, in no manner, teaches or suggests a modular sectional door with a first door panel pivotally connected to a second door panel. Instead, La Borde teaches “snap-together paneling for use in making walls and corners in the building industry” (La Borde’s Abstract). The paneling system disclosed by La Borde consists of two inverted wall panels that are snapped together to form an inverted wall assembly and two everted wall panels that are snapped together to form an everted wall assembly. “The everted wall assembly and the inverted wall assembly slidably and lockedly connect together to form a wall” (La Borde’s Abstract, emphasis added). This type of rigid structure with panels that do not pivot or rotate relative to each other is very typical of a wall, and it makes the panel system of La Borde completely inappropriate for use in a sectional door (in which a pivotal, or hinged, relationship is required between panels).

La Borde fails to disclose a modular sectional door that includes a first door panel pivotally connected to a second door panel as recited in claim 1. Accordingly, because LaBorde fails to disclose each and every element of claim 1, claim 1 cannot be anticipated thereby.

## ANTICIPATION UNDER 35 U.S.C. § 102(b) - REKRET

Claims 1 and 31 stand rejected under 35 U.S.C. § 102(b) as anticipated by Rekret.

Claim 31 depends from claim 1 and further specifies that the second door panel comprises a third sub-panel member interlocked with a fourth sub-panel member such that the sub-panels do not rotate relative to each other.

Unlike La Borte, Rekret does, in fact, pertain to panels for use with a door. Also, Rekret arguably discloses a first door panel pivotally connected to a second door panel, as recited in claim 1. In fact, Rekret is specifically referenced in the “Description of Related Art” section of the current application as being a sectional door with certain weaknesses that the current invention overcomes (see pages 3-4 in the “Description of Related Art” Section). Rekret discloses a door panel system with a monolithic design, such that “damage to any given portion of such a panel (particularly damage that would negatively impact the operability of the door) requires replacement of the entire panel. There is currently not a practical way to be able to replace only a damaged section of an individual panel, as opposed to the entire panel itself” (“Description of Related Art,” page 4). Further, this type of monolithic design prevents customizing a panel to provide variability of material properties within a given panel (e.g., placing a more impact resistant panel in the position most likely to be impacted). Finally, Rekret discloses a panel system in which the panels are interconnected via a “one way hinge connection” (column 1, lines 58-59) that allows flexing or pivoting between adjacent panels. This type of connection requires each individual panel to have its own means for guiding itself along the track (Rekret’s roller 25). Because each guide member contributes drag to the door’s movement, a door with numerous panels would likely be more difficult to open and close than a door with fewer panels.

The instant Office action did not find these points of distinction persuasive when presented in the previously-filed response, suggesting that “the claims . . . fail to recite any language which might differentiate the door panel from a monolithic design without modularity,” that they “do not preclude the presence of a means for guiding,” and that “the claims of the instant application do not preclude the presence of hinges.” Office action of June 15, 2005, page 4, section 8.

The amendments made to independent claim 1 address these contentions and claim 1 now contains specific language that differentiates it from the typical monolithic door, such as the one

disclosed in Rekret. Specifically, the door panel of claim 1 addresses the weaknesses of the Rekret apparatus by reciting a first sub-panel and a second sub-panel member that are interconnected to create a first door panel. The first door panel is pivotally connected to a second door panel to form the modular sectional door claimed in 1. So, while Rekret may disclose a sectional door with a first door panel pivotally connected to a second door panel, it does not teach that the first door panel comprises a first sub-panel member interlocked with a second sub-panel member such that rotation between the two sub-panel members is prevented (thereby specifically precluding the presence of a hinge). It is these interconnected sub-panel members that give the invention claimed here its modularity and allow it to overcome the weaknesses associated with a monolithic door like the one taught by Rekret.

The claimed sub-panel members make it easy to provide a variability of material properties within a given door panel and also make it possible to replace only a section of an individual door panel that may be damaged, instead of requiring the replacement of the entire door panel. Further, the sub-panels of claim 1 interlock (via their respective interlocking members 46 and 48) in such a manner that prevents the first and second sub-panel members from rotating relative to each other. Because the sub-panel members claimed here cannot be connected via a hinge and the sub-panel members do not pivot or flex relative to each other, each sub-panel does not have its own means for guiding itself, leaving the door lighter and easier to move. For at least the foregoing reasons, claim 1 and claim 31 dependent thereon, are not anticipated by Rekret and are in a condition for allowance.

#### **OBVIOUSNESS UNDER 35 U.S.C. § 103(a) - LA BORDE**

Claims 3-30, 32, 33, and 35-64 stand rejected under 35 U.S.C. § 103(a) as unpatentable over La Borde, with the Office action suggesting that “it is a well settled issue that the selection of a known material based upon its suitability for the intended use would have been obvious to one of ordinary skill in the art and, as such, cannot be relied on for patentability” (pages 3-4, section 4). However, if one looks beyond the narrower recitations of the dependent claims related to material properties to the elements of the independent claims, it becomes clear that these claims are not obvious in view of La Borde. Because each of independent claims 1, 32, and 50 shares a common element that renders the claims nonobvious in view of La Borde, these

claims are discussed together below. All of the independent claims recite that the modular sectional door includes a first door panel and a second door panel that are connected together to allow for relative movement. Specifically, independent claim 1 recites that the two door panels are pivotally connected, independent claim 32 recites that the two door panels may rotate relative to each other, and independent claim 50 recites that the two door panels are hingedly connected.

The deficiencies of La Borde, as discussed above in connection with the 102(b) rejection, apply with equal weight to the obviousness rejections asserted here. La Borde does not suggest the use of two hingedly, pivotally, or rotationally connected door panels, as are claimed here. In fact, the teachings of La Borde actually lead one of ordinary skill in the art away from the claimed invention. As noted in La Borde's Abstract, “[t]he everted wall assembly and the inverted wall assembly slidably and lockedly connect together to form a wall” (emphasis added). Thus, the wall assemblies of La Borde cannot pivot or rotate relative to each other, making them completely inappropriate for use in a sectional door. Further because a wall is intended to be a rigid structure that does not pivot or rotate, it would have been entirely counterintuitive for one of ordinary skill in the art to even consider La Borde when creating a modular sectional door. Further, adding hingedly connected wall assemblies to La Borde would make it unsuitable for its intended purpose, so one of ordinary skill in the art would not consider doing so.

For at least the foregoing reasons, independent claims 1, 32, and 50, as well as all claims dependent directly or indirectly thereon, are not obvious in view of La Borde.

#### **OBVIOUSNESS UNDER 35 U.S.C. § 103(a) - REKRET**

Claims 3-30, 32, 33, and 35-64 also stand rejected under 35 U.S.C. § 103(a) as unpatentable over Rekret. Each of independent claims 1, 32, and 50 recites a first door panel comprising a first and a second sub-panel member, the sub-panel members being connected together such that they cannot rotate relative to each other. Rekret does not suggest such an arrangement of sub-panel members.

Unlike La Borde, Rekret does relate to a sectional door in which door panels are hingedly, pivotally, or rotationally connected together. As noted, Rekret discloses a sectional door with a monolithic design, in which damage to any given portion of a door panel (particularly damage that would negatively affect the operation of the door) would require replacement of the entire door panel. Prior to the invention claimed here, there was no practical

way to replace only a damaged section (a sub-panel member) of an individual door panel, short of replacing the entire door panel. Further, the type of monolithic door design taught by Rekret prevents customizing a panel to provide variability of material properties within a given panel (e.g., placing a more impact resistant panel in the position most likely to be impacted). Finally, Rekret discloses a panel system in which the panels are interconnected via a “one way hinge connection” (column 1, lines 58-59) that allows flexing or pivoting between adjacent panels. This type of connection corresponds to the hinged/pivotal/rotational connection between the first door panel and the second door panel claimed here, a connection that requires each individual panel to have its own means for guiding itself along the track (Rekret’s roller 25). Because each guide member contributes drag to the door’s movement, a door with numerous panels would likely be more difficult to open and close than a door with fewer panels.

The modular sectional door recited in the amended independent claims of the current application, addresses the weaknesses identified above by reciting that the first door panel comprises a first sub-panel member interlocked with a second sub-panel member such that rotation between the two sub-panel members is prevented (thereby specifically precluding the presence of a hinge). It is these interconnected sub-panel members, which cannot rotate relative to each other, that give the invention claimed here its modularity and allow it to overcome the weaknesses associated with a monolithic door like the one taught by Rekret. The claimed sub-panel members make it easy to provide a variability of material properties within a given door panel, and they also make it possible to replace only a section of an individual door panel that may be damaged, instead of requiring the replacement of the entire door panel. Further, the sub-panels of claim 1 interlock (via their respective interlocking members 46 and 48) in such a manner that prevents the first and second sub-panel members from rotating relative to each other. Because the sub-panel members claimed here are not connected via a hinge and the sub-panel members do not pivot or flex relative to each other, each sub-panel does not have its own means for guiding itself, leaving the door lighter and easier to move.

Rekret specifically contemplates only a hinged connection between panels, teaching “a one way hinged connection between the receptacle of one of the panels and the connector of another one of the panels” (Rekret’s Abstract). Rekret, then, actually teaches away from sub-panel members interconnected such that they cannot rotate relative to each other. The applicant also respectfully submits that one of ordinary skill in the art, armed only with Rekret, would not

have reached the invention claimed here without relying on the impermissible hindsight of the current application. Prior to the current application, the applicant is unaware of any reference that, first, recognizes that an individual door panel could be broken into modular components with different material properties and that it would be desirable to do so, and second, uses this recognition to build a door out of these modular components. Rekret does not suggest anything of the sort, teaching only large garage door panels hingedly connected together with a hinge mechanism that is “capable of supporting the weight of a large panel” (col. 1, lines 42-43).

For at least the foregoing reasons, independent claims 1, 32, and 50, as well as all claims dependent thereon, are not obvious in view of Rekret.

#### **NEWLY-ADDED CLAIM 65**

The applicant has added independent claim 65 for consideration in this application. The applicant respectfully submits that the art of record fails to teach or suggest a method of producing a modular sectional door, the method including producing a first modular sub-panel member, producing a second modular sub-panel member, connecting the first sub-panel member to the second sub-panel member to form a first door panel, such that the first sub-panel member and the second sub-panel member are constrained against rotation relative to each other, and connecting the first door panel to a second door panel, such that the first door panel may rotate relative to the second door panel. Accordingly, the applicant respectfully submits that claim 65 is in a condition for allowance.

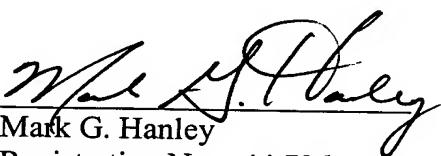
## CONCLUSIONS

Claims 1 and 3-65 are in condition for allowance. Accordingly, the applicant respectfully requests reconsideration of this application and that this application to be passed to issue.

Respectfully submitted,

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